

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	No. 21 CR 316
v.)	
)	Judge Andrea R. Wood
MATTHEW SCHWARTZ)	

PRELIMINARY ORDER OF FORFEITURE

The United States asks this Court to issue a preliminary order of forfeiture pursuant to Title 18, United States Code, Section 2253 and Federal Rules of Criminal Procedure 32.2.

(a) On August 23, 2022, a superseding information was filed charging defendant MATTHEW SCHWARTZ with knowingly possessing material, namely a SanDisk USB thumb drive that contained an image of child pornography as defined in Title 18 United States Code, Section 2252A(a)(5)(B). The superseding information sought forfeiture to the United States of property that was used, or intended to be used, to commit and to promote the commission of the charged offenses.

(b) On August 23, 2022, defendant MATTHEW SCHWARTZ entered a voluntary plea of guilty to the sole count of the superseding information. Pursuant to the terms of the plea agreement and as a result of his violations of Title 18 United States Code, Section 2252A(a)(5)(B), defendant MATTHEW SCHWARTZ agreed that certain property, including but not limited to: a San Disk USB thumb drive, is subject to forfeiture pursuant to the provisions of Title 18 United States Code, Section 2253.

(c) Defendant MATTHEW SCHWARTZ has agreed to the entry of a preliminary order of forfeiture relinquishing any right, title, or interest he has in the foregoing property pursuant to Title 18 United States Code, Section 2253, for disposition according to law.

(d) Accordingly, this Court orders that a preliminary order of forfeiture be entered against defendant MATTHEW SCHWARTZ as to the foregoing property. Pursuant to Title 18 United States Code, Section 2253 and Federal Rule of Criminal Procedure 32.2, all right, title, and interest of the defendant in the foregoing property named in this order shall be forfeited to the United States for disposition according to law.

(e) Pursuant to Title 18 United States Code, Section 2253 and Federal Rule of Criminal Procedure 32.2, the terms and conditions of this preliminary order of forfeiture shall be made part of the sentence imposed against the defendant and recited in any judgment and commitment order entered in the case. In accordance with Rule 32.2(b)(4)(A), at sentencing—or at any time before sentencing if the defendant consents—the preliminary order of forfeiture will become final as to the defendant. Pursuant to Rule 32.2(c), if a third-party files a petition asserting an interest in the property to be forfeited, this Court must hold a hearing to determine his rights. Pursuant to Title 21 United States Code, Section 853(n)(2), as incorporated by Title 18 United States Code, Section 2253(b), third parties have thirty days from the publication of notice or receipt of notice, whichever is earlier, to file a petition. The preliminary order of forfeiture will remain preliminary as to third parties until such an ancillary proceeding, if required, can be conducted under Rule 32.2(c). After disposition of all third-party interests, this Court shall, upon the government's motion if appropriate, enter a final order of forfeiture for the property that is the subject of this preliminary order of forfeiture, thereby vesting clear title in the United States of America.

(f) Pursuant to Title 21 United States Code, Section 853(g), as incorporated by Title 18 United States Code, Section 2253(b), and Federal Rule of Criminal Procedure 32.2, upon entry

of this preliminary order of forfeiture the foregoing property shall be seized by the Federal Bureau of Investigation.

(g) This Court shall retain jurisdiction to take such additional action and enter such further orders as may be necessary to implement and enforce this preliminary forfeiture order.

A handwritten signature in black ink, appearing to read "Andrea R. Wood", written over a horizontal line.

ANDREA R. WOOD
United States District Judge

DATED: December 12, 2022